

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 22, 2006

AMENDED IN ASSEMBLY JUNE 12, 2006

AMENDED IN SENATE MARCH 30, 2005

SENATE BILL

No. 162

Introduced by Senators Ortiz and Runner

(Principal coauthor: Senator Perata)

(Principal coauthors: Assembly Members Nakanishi and Richman)

(Coauthors: Senators Alquist, Kuehl, and Torlakson)

(Coauthors: Assembly Members Aghazarian, Berg, DeVore, Shirley Horton, Jones, Koretz, Lieber, Nava, Niello, and Sharon Runner)

February 8, 2005

An act amend Sections 6253.4, 6254.18, 8169.5, ~~12803, and 12803.65~~ *and 12803* of, and to add Section 11554.5 to, the Government Code, and to amend Sections 20, 21, 21.2, ~~135, 136, 138.4, 151,~~ 100100, 100105, ~~100170, 109277, and 109282~~ *and 100170* of, to amend and renumber Sections ~~100106, 100119,~~ 100175, 100180, ~~100182, 100185, 100190, 100195, 100200, 100205, 100210, 100215, 100225, 100230, and 100235~~ of, *100182, 100185, and 100190 of,* and to add Division 112 (commencing with Section 131000) to, ~~and to repeal Sections 100117, 100125, and 100130 of,~~ the Health and Safety Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

SB 162, as amended, Ortiz. State Department of Public Health.

Existing law establishes the scope of functions and responsibilities of the State Department of Health Services.

This bill would enact the California Public Health Act of 2006, which would establish the State Department of Public Health, to be headed by the State *Public Health Officer* to be appointed by the Governor, subject to confirmation by the Senate and would rename the State Department of Health Services as the State Department of Health Care Services. The bill would transfer the responsibility for certain programs from the State Department of Health Services to the State Department of Public Health, *and would require the Public Health Officers to convene the Public Health Advisory Committee.* The bill would retain responsibility for the remaining programs within the renamed State Department of Health Care Services, and would make conforming changes.

These provisions would become operative July 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) This act shall be known and may be cited as
2 the California Public Health Act of 2006.
3 (b) (1) It is the intent of the Legislature, in enacting the act
4 adding this section, to establish the State Department of Public
5 Health and rename the State Department of Health Services as
6 the State Department of Health Care Services.
7 ~~(2) It is the intent of the Legislature, in enacting the act adding~~
8 ~~this section, that both of the following occur:~~
9 *(2) By enacting this act establishing the State Department of*
10 *Public Health and the State Department of Health Care Services,*
11 *it is the intent of the Legislature to do all of the following:*
12 (A) ~~All~~ *Transfer all* public health programs currently operated
13 through the existing State Department of Health Services—~~be~~
14 ~~transferred~~ to the State Department of Public Health, without
15 regard to whether or not that public health program has been
16 formally created by statute.
17 (B) ~~The~~ *Require that the* health purchasing programs—~~will~~
18 continue to be operated by the State Department of Health Care
19 Services, the new name of the former State Department of Health
20 Services.
21 (C) ~~The Governor makes~~ *Authorize the Governor to make*
22 final decisions about the placement of specific programs and

1 offices that are not formally created by statute or named in this
2 act in a way that is consistent with the intent of the Legislature in
3 establishing the State Department of Public Health and with the
4 overall spirit of this act.

5 *(D) Elevate the visibility and importance of public health*
6 *issues in the policy arena.*

7 *(E) Increase accountability and require program effectiveness*
8 *for the public health and health care purchasing functions of*
9 *state government.*

10 *(F) Promote the health status of Californians through*
11 *programs and policies that use populationwide interventions.*

12 (c) For purposes of this section, “public health programs”
13 refers primarily to programs and functions that seek to prevent
14 illness and promote health, as compared to programs involving
15 either the direct delivery of health care services or the payment
16 for those services.

17 ~~(d) By enacting this act that establishes the State Department~~
18 ~~of Public Health and the State Department of Health Care~~
19 ~~Services, it is the intent of the Legislature to do all of the~~
20 ~~following:~~

21 ~~(1) Elevate the visibility and importance of public health~~
22 ~~issues in the policy arena.~~

23 ~~(2) Increase accountability and improve program effectiveness~~
24 ~~for the public health and health care purchasing functions of state~~
25 ~~government.~~

26 ~~(3) Promote the health status of Californians through programs~~
27 ~~and policies that use populationwide interventions.~~

28 SEC. 2. Section 6253.4 of the Government Code is amended
29 to read:

30 6253.4. (a) Every agency may adopt regulations stating the
31 procedures to be followed when making its records available in
32 accordance with this section.

33 The following state and local bodies shall establish written
34 guidelines for accessibility of records. A copy of these guidelines
35 shall be posted in a conspicuous public place at the offices of
36 these bodies, and a copy of the guidelines shall be available upon
37 request free of charge to any person requesting that body’s
38 records:

39 Department of Motor Vehicles

40 Department of Consumer Affairs

1 Department of Transportation
2 Department of Real Estate
3 Department of Corrections
4 Department of the Youth Authority
5 Department of Justice
6 Department of Insurance
7 Department of Corporations
8 Department of Managed Health Care
9 Secretary of State
10 State Air Resources Board
11 Department of Water Resources
12 Department of Parks and Recreation
13 San Francisco Bay Conservation and Development
14 Commission
15 State Board of Equalization
16 State Department of Health Care Services
17 Employment Development Department
18 State Department of Public Health
19 State Department of Social Services
20 State Department of Mental Health
21 State Department of Developmental Services
22 State Department of Alcohol and Drug Abuse
23 Office of Statewide Health Planning and Development
24 Public Employees' Retirement System
25 Teachers' Retirement Board
26 Department of Industrial Relations
27 Department of General Services
28 Department of Veterans Affairs
29 Public Utilities Commission
30 California Coastal Commission
31 State Water Resources Control Board
32 San Francisco Bay Area Rapid Transit District
33 All regional water quality control boards
34 Los Angeles County Air Pollution Control District
35 Bay Area Air Pollution Control District
36 Golden Gate Bridge, Highway and Transportation District
37 Department of Toxic Substances Control
38 Office of Environmental Health Hazard Assessment
39 (b) Guidelines and regulations adopted pursuant to this section
40 shall be consistent with all other sections of this chapter and shall

1 reflect the intention of the Legislature to make the records
2 accessible to the public. The guidelines and regulations adopted
3 pursuant to this section shall not operate to limit the hours public
4 records are open for inspection as prescribed in Section 6253.

5 SEC. 3. Section 6254.18 of the Government Code is amended
6 to read:

7 6254.18. (a) Nothing in this chapter shall be construed to
8 require disclosure of any personal information received,
9 collected, or compiled by a public agency regarding the
10 employees, volunteers, board members, owners, partners,
11 officers, or contractors of a reproductive health services facility
12 who have notified the public agency pursuant to subdivision (d)
13 if the personal information is contained in a document that relates
14 to the facility.

15 (b) For purposes of this section, the following terms have the
16 following meanings:

17 (1) "Contractor" means an individual or entity that contracts
18 with a reproductive health services facility for services related to
19 patient care.

20 (2) "Personal information" means the following information
21 related to an individual that is maintained by a public agency:
22 social security number, physical description, home address, home
23 telephone number, statements of personal worth or personal
24 financial data filed pursuant to subdivision (n) of Section 6254,
25 personal medical history, employment history, electronic mail
26 address, and information that reveals any electronic network
27 location or identity.

28 (3) "Public agency" means all of the following:

29 (A) The State Department of Health Care Services.

30 (B) The Department of Consumer Affairs.

31 (C) The Department of Managed Health Care.

32 (D) The State Department of Public Health.

33 (4) "Reproductive health services facility" means the office of
34 a licensed physician and surgeon whose specialty is family
35 practice, obstetrics, or gynecology, or a licensed clinic, where at
36 least 50 percent of the patients of the physician or the clinic are
37 provided with family planning or abortion services.

38 (c) Any person may institute proceedings for injunctive or
39 declarative relief or writ of mandate in any court of competent
40 jurisdiction to obtain access to employment history information

1 pursuant to Sections 6258 and 6259. If the court finds, based on
2 the facts of a particular case, that the public interest served by
3 disclosure of employment history information clearly outweighs
4 the public interest served by not disclosing the information, the
5 court shall order the officer or person charged with withholding
6 the information to disclose employment history information or
7 show cause why he or she should not do so pursuant to Section
8 6259.

9 (d) In order for this section to apply to an individual who is an
10 employee, volunteer, board member, officer, or contractor of a
11 reproductive health services facility, the individual shall notify
12 the public agency to which his or her personal information is
13 being submitted or has been submitted that he or she falls within
14 the application of this section. The reproductive health services
15 facility shall retain a copy of all notifications submitted pursuant
16 to this section. This notification shall be valid if it complies with
17 all of the following:

- 18 (1) Is on the official letterhead of the facility.
- 19 (2) Is clearly separate from any other language present on the
20 same page and is executed by a signature that serves no other
21 purpose than to execute the notification.
- 22 (3) Is signed and dated by both of the following:
 - 23 (A) The individual whose information is being submitted.
 - 24 (B) The executive officer or his or her designee of the
25 reproductive health services facility.

26 (e) The privacy protections for personal information
27 authorized pursuant to this section shall be effective from the
28 time of notification pursuant to subdivision (d) until either one of
29 the following occurs:

- 30 (1) Six months after the date of separation from a reproductive
31 health services facility for an individual who has served for not
32 more than one year as an employee, contractor, volunteer, board
33 member, or officer of the reproductive health services facility.

- 34 (2) One year after the date of separation from a reproductive
35 health services facility for an individual who has served for more
36 than one year as an employee, contractor, volunteer, board
37 member, or officer of the reproductive health services facility.

38 (f) Within 90 days of separation of an employee, contractor,
39 volunteer, board member, or officer of the reproductive health
40 services facility who has provided notice to a public agency

1 pursuant to subdivision (c), the facility shall provide notice of the
2 separation to the relevant agency or agencies.

3 (g) Nothing in this section shall prevent the disclosure by a
4 government agency of data regarding age, race, ethnicity,
5 national origin, or gender of individuals whose personal
6 information is protected pursuant to this section, so long as the
7 data contains no individually identifiable information.

8 SEC. 4. Section 8169.5 of the Government Code is amended
9 to read:

10 8169.5. (a) In furtherance of the Capitol Area Plan, the
11 objectives of Resolution Chapter 131 of the Statutes of 1991, and
12 the legislative findings and declarations contained in Chapter 193
13 of the Statutes of 1996, relative to the findings by the Urban
14 Land Institute, the director may purchase, exchange, or otherwise
15 acquire real property and construct facilities, including any
16 improvements, betterments, and related facilities, within the
17 jurisdiction of the Capitol Area Plan in the City of Sacramento
18 pursuant to this section. The total authorized scope of the project
19 shall consist of up to approximately 1,470,200 gross square feet
20 of office space and approximately 742,625 gross square feet of
21 parking structures for use by the State Department of Education,
22 the State Department of Health Services, and the Department of
23 General Services as anchor tenants on blocks 171, 172, 173, 174,
24 and 225, along with related additional parking on block 224,
25 within the Capitol area. The acquisition and construction
26 authorized pursuant to this section may not cause the
27 displacement of any state or legislative employee parking spaces
28 in the blocks specified in this subdivision unless the Department
29 of General Services makes available existing state-owned
30 parking spaces, acquires parking spaces, or constructs
31 replacement parking that results in the affected employees'
32 parking spaces being located at a reasonable distance from their
33 place of employment.

34 (b) Subject to paragraphs (2) and (3) of subdivision (c), the
35 department may contract for the lease, lease-purchase, lease with
36 an option to purchase, acquisition, design, design-build,
37 construction, construction management, and other services
38 related to the design and construction of the office and parking
39 facilities authorized to be acquired pursuant to subdivision (a).

(c) (1) The State Public Works Board may issue revenue bonds, negotiable notes, or negotiable bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 to finance all costs associated with acquisition, design, and construction of office and parking facilities for the purposes of this section. The State Public Works Board and the department may borrow funds for project costs from the Pooled Money Investment Account pursuant to Sections 16312 and 16313. In the event the bonds authorized by the project are not sold, the State Department of Education, the State Department of Health Care Services, the State Department of Public Health, and the Department of General Services, as determined by the Department of Finance, shall commit a sufficient amount of their support appropriations to repay any loans made for the project from the Pooled Money Investment Account. It is the intent of the Legislature that this commitment shall be included in future Budget Acts until all outstanding loans from the Pooled Money Investment Account are repaid either through the proceeds from the sale of bonds or from an appropriation.

(2) (A) If the department proposes to acquire the facilities on a design-build basis, prior to the department entering into an agreement pursuant to subdivision (b) to design and build the facilities on blocks 171, 172, 173, 174, and 225, as specified in subdivision (a), the department shall submit to the Legislature a copy of all documents that shall be the basis upon which bids will be solicited and awarded to design and build the facilities. The documents shall include the following:

- (i) The request for qualifications.
- (ii) Site development guidelines.
- (iii) Architectural and all system design requirements for the facilities.
- (iv) Notwithstanding any other provision of law, the recommended specific criteria and process by which the contractor shall be selected.
- (v) The performance criteria and standards for the architecture and all components and systems of the facilities.

(B) The information in the documents shall be provided in at least as much detail as was prepared for the San Francisco Civic Center Complex project and shall cover the quality of materials, equipment, and workmanship to be used in the facilities. These

1 documents shall also include a detailed and specific space
2 program for the facilities that identifies the specific spatial needs
3 of the state agencies.

4 (C) If the department proceeds to acquire the facilities on a
5 design-build basis, in addition to any other requirements imposed
6 pursuant to this section, notwithstanding Section 7550.5, the
7 department shall provide the Legislature, beginning on July 1,
8 1999, and every three months thereafter until the facilities are
9 completed, with a status report that includes information
10 regarding any benefits that the state may have realized from use
11 of the design-build approach, any problems that have been
12 encountered from the use of a design-build approach, and lessons
13 learned that may be applied to a future project. The department
14 shall issue a final report when the facilities are completed.

15 (D) If the department proposes to contract for construction
16 separate from design, the department shall, prior to commencing
17 work on working drawings for the facilities on blocks 171, 172,
18 173, 174, and 225, submit to the Legislature a copy of the
19 preliminary plans for the facilities and a detailed and specific
20 space program for the facilities that identifies the specific spatial
21 needs of the state agencies.

22 (E) Regardless of how the department proposes to acquire the
23 facilities, the department also shall submit all of the following
24 information, which may be included in the bid documents:

25 (i) A final estimated cost for design, construction, and other
26 costs.

27 (ii) How the department would manage the contracts entered
28 into for this project to ensure compliance with contract
29 requirements and to ensure that the state receives the highest
30 level of quality workmanship and materials for the funds spent
31 on the project.

32 (3) Except for the reports specified in subparagraph (C) of
33 paragraph (2), the department shall submit to the Legislature the
34 information required to be submitted pursuant to paragraphs (2)
35 and (6) on or before December 1, 1998. Except for those
36 contracts and agreements necessary to prepare the information
37 required by paragraphs (2) and (6), the department shall not
38 solicit bids to enter into any agreement to design and build or
39 otherwise acquire the facilities or commence work on working
40 drawings on block 171, 172, 173, 174, or 225 sooner than the

1 later of April 1, 1999, or 120 days after the department submits
2 to the Legislature the information required to be submitted
3 pursuant to paragraphs (2) and (6). The Legislative Analyst shall
4 evaluate the information submitted to the Legislature and shall
5 prepare a report to the Joint Committee on Rules within 60 days
6 of receiving the documents submitted to the Legislature. It is the
7 intent of the Legislature that the Joint Committee on Rules meet
8 prior to the date the department is authorized to solicit bids to
9 design and build or otherwise acquire the facilities or commence
10 work on working drawings for the purposes of discussing the
11 report from the Legislative Analyst and adopting a report with
12 any recommendations to the department on changes to the site
13 design criteria, performance criteria, and specifications and
14 specific criteria for determining the winning bidder. If the Joint
15 Committee on Rules adopts a report prior to the date the
16 department is authorized to solicit bids to design and build or
17 otherwise acquire the facilities or commence work on working
18 drawings, the department may solicit the bids or commence the
19 work when the report is adopted by the Joint Committee on
20 Rules. The Senate Committee on Rules and the Speaker of the
21 Assembly may designate members of their respective houses to
22 monitor the progress of the preparation of the documents to be
23 submitted pursuant to paragraph (2). The department shall
24 prepare periodic progress reports and meet with the designated
25 members or their representatives, as necessary, while preparing
26 the documents.

27 (4) The amount of revenue bonds, negotiable notes, or
28 negotiable bond anticipation notes to be sold may equal, but shall
29 not exceed, the cost of planning, preliminary plans, working
30 drawings, construction, construction management and
31 supervision, other costs relating to the design and construction of
32 the facilities, and any additional sums necessary to pay interim
33 and permanent financing costs. The additional amount may
34 include interest and a reasonable required reserve fund.

35 (5) Authorized costs of the facilities for preliminary plans,
36 working drawings, construction, and other costs shall not exceed
37 three hundred ninety-two million dollars (\$392,000,000).
38 Notwithstanding Section 13332.11, the State Public Works Board
39 may authorize the augmentation of the amount authorized under
40 this paragraph by up to 10 percent of the amount authorized.

(6) The net present value of the cost to acquire and operate the facilities authorized by subdivision (a) may not exceed the net present value of the cost to lease and operate an equivalent amount of comparable office space over the same time period. The department shall perform this analysis and shall obtain interest rates, discount rates, and Consumer Price Index figures from the Treasurer and submit its analysis with the documents submitted pursuant to paragraph (2) of subdivision (c). For purposes of this analysis, the department shall compare the cost of acquiring and operating the proposed facilities with the avoided cost of leasing and operating an equivalent amount of comparable office space that will no longer need to be leased because either (A) agencies will no longer occupy currently leased facilities when they occupy the proposed facilities, or (B) agencies will no longer occupy currently leased facilities when they occupy state-owned space being vacated by state agencies occupying the proposed facilities. The analysis shall also include the cost of any unique improvement associated with the moving of an agency into any state-owned space that would be vacated by agencies moving into the proposed facilities. However, these costs shall not include the cost of renovating or modernizing vacated state-owned space that is necessary to accommodate state agencies in general purpose office space. This paragraph shall not be construed as authorizing any renovation of state-owned space.

(d) The director may execute and deliver a contract with the State Public Works Board for the lease of the facilities described in this section that are financed with the proceeds of the board's bonds, notes, or bond anticipation notes issued in accordance with this section.

SEC. 5. Section 11554.5 is added to the Government Code, to read:

11554.5. Effective July 1, 2007, an annual salary of two hundred twenty-two thousand dollars (\$222,000) shall be paid to the State Public Health Officer. The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general

1 salary increases provided for state employees during that fiscal
2 year.

3 SEC. 6. Section 12803 of the Government Code is amended
4 to read:

5 12803. (a) The California Health and Human Services
6 Agency consists of the following departments: Health Care
7 Services; Mental Health; Developmental Services; Public Health;
8 Social Services; Alcohol and Drug Abuse; Aging; Rehabilitation;
9 and Community Services and Development.

10 (b) The agency also includes the Office of Statewide Health
11 Planning and Development and the State Council on
12 Developmental Disabilities.

13 (c) The Department of Child Support Services is hereby
14 created within the agency commencing January 1, 2000, and
15 shall be the single organizational unit designated as the state's
16 Title IV-D agency with the responsibility for administering the
17 state plan and providing services relating to the establishment of
18 paternity or the establishment, modification, or enforcement of
19 child support obligations as required by Section 654 of Title 42
20 of the United States Code. State plan functions shall be
21 performed by other agencies as required by law, by delegation of
22 the department, or by cooperative agreements.

23 ~~SEC. 7. Section 12803.65 of the Government Code is~~
24 ~~amended to read:~~

25 ~~12803.65. (a) The Governor shall rename and establish, in~~
26 ~~the Labor and Workforce Development Agency, the existing~~
27 ~~California Governor's Committee on Employment of Disabled~~
28 ~~Persons as the "California Governor's Committee on~~
29 ~~Employment of People with Disabilities" or "CGCEPD."~~

30 ~~(b) (1) The California Governor's Committee on Employment~~
31 ~~of People with Disabilities shall include, but not be limited to, the~~
32 ~~following:~~

33 ~~(A) Four individuals with disabilities representing disabled~~
34 ~~persons, two appointed by the Governor and one each appointed~~
35 ~~by the Senate Committee on Rules and the Speaker of the~~
36 ~~Assembly, each for a three-year term.~~

37 ~~(B) The Directors of the Employment Development~~
38 ~~Department, State Department of Health Care Services, State~~
39 ~~Department of Public Health, State Department of Mental~~
40 ~~Health, State Department of Developmental Services, State~~

1 Department of Social Services, and Department of
2 Rehabilitation, and the Chair of the State Independent Living
3 Council.

4 (C) Representatives from the State Department of Health Care
5 Services' California Health Incentive Improvement Project.

6 (D) A representative from the California Workforce
7 Investment Board.

8 (E) Representatives from any other department or program
9 that may have a role in increasing the capacity of state programs
10 to support the employment-related needs of individuals with
11 disabilities.

12 (F) A representative from a local one-stop or local workforce
13 investment board, to be appointed by the Governor.

14 (G) A business representative with experience in employing
15 persons with disabilities, to be appointed by the Governor.

16 (2) The members of the California Governor's Committee on
17 Employment of People with Disabilities shall select a chair from
18 among the members, and shall hold open meetings no less than
19 quarterly.

20 (e) The California Governor's Committee on Employment of
21 People with Disabilities shall consult with and advise the Labor
22 and Workforce Development Agency and the California Health
23 and Human Services Agency on all issues related to full
24 inclusion in the workforce of persons with disabilities, including
25 development of the comprehensive strategy required pursuant to
26 Section 12803.6 and implementation of the grant program
27 established pursuant to Section 12803.7.

28 (d) The California Governor's Committee on Employment of
29 People with Disabilities shall also:

30 (1) Coordinate and provide leadership, as necessary, with
31 regard to efforts to increase inclusion in the workforce of persons
32 with disabilities.

33 (2) Report annually to the Legislature and the Governor on the
34 employment status of Californians with disabilities.

35 (e) The California Governor's Committee on Employment of
36 People with Disabilities shall provide support to the State
37 Workforce Investment Board and the local one-stop centers in
38 their efforts to achieve full compliance with Sections 18002,
39 18004, 18006, and 18008 of the Unemployment Insurance Code,
40 and shall identify the extent to which any one-stops are not in full

1 compliance with those sections and the reasons for the lack of
2 compliance, including the need for additional resources.

3 (f) ~~The California Governor's Committee on Employment of~~
4 ~~People with Disabilities shall meet quarterly with the California~~
5 ~~Health Incentive Improvement Project, administered by the State~~
6 ~~Department of Health Services, and the project's steering~~
7 ~~committee, to the extent funding for the project continues and the~~
8 ~~activities of the California Governor's Committee on~~
9 ~~Employment of People with Disabilities are not inconsistent with~~
10 ~~the charge of the California Health Incentive Improvement~~
11 ~~Project.~~

12 (g) ~~Using existing funding, the California Governor's~~
13 ~~Committee on Employment of People with Disabilities shall~~
14 ~~facilitate, promote, and coordinate collaborative dissemination of~~
15 ~~information on employment supports and benefits, which shall~~
16 ~~include the Ticket to Work program and health benefits, to~~
17 ~~individuals with disabilities, consumers of public services,~~
18 ~~employers, service providers, and state and local agency staff.~~

19 (h) ~~Using existing funding, the California Governor's~~
20 ~~Committee on Employment of People with Disabilities shall~~
21 ~~receive primary administrative and staff support from the State~~
22 ~~Employment Development Department.~~

23 ~~SEC. 8.~~

24 *SEC. 7.* Section 20 of the Health and Safety Code is
25 amended to read:

26 20. "State department" or "department" means State
27 Department of Health Services. Commencing July 1, 2007, any
28 reference to the former State Department of Health Services
29 regarding a function vested by Section ~~H3050~~ 131050 in the
30 State Department of Public Health is deemed to, instead, refer to
31 the State Department of Public Health, and any reference to the
32 former State Department of Health Services regarding a function
33 not vested by Section ~~H3050~~ 131050 in the State Department of
34 Public Health is deemed to, instead, refer to the State Department
35 of Health Care Services.

36 ~~SEC. 9.~~

37 *SEC. 8.* Section 21 of the Health and Safety Code is
38 amended to read:

39 21. "Director" means "State Director of Health Services."
40 Commencing July 1, 2007, any reference to the former state

1 Director of Health Services regarding a function vested by
2 Section ~~13050~~ 131050 in the State Department of Public Health
3 is deemed to, instead, refer to the State Public Health Officer.

4 ~~SEC. 10.~~

5 *SEC. 9.* Section 21.2 is added to the Health and Safety Code,
6 to read:

7 21.2. (a) The reorganization of the State Department of
8 Health Services pursuant to Sections 20 and 21 shall be budget
9 neutral and no additional funding shall be appropriated to the
10 State Department of Public Health or to the State Department of
11 Health Services as a result of this reorganization.

12 (b) This act shall be implemented without the additional
13 appropriation of funds. However, the Legislature finds and
14 declares that to implement this act, funding adjustments may be
15 required to align appropriation authority and to provide for
16 anticipated expenditures to the appropriate funding sources.

17 (c) The budget for the State Department of Public Health and
18 the State Department of Health *Care* Services shall be proposed
19 and considered in the process for review of the annual Budget
20 Act.

21 ~~SEC. 11.~~ Section 135 of the Health and Safety Code is
22 amended to read:

23 ~~135.~~ The Office of Women's Health is hereby established
24 within the State Department of Health Care Services. For
25 purposes of this chapter, "office" means the Office of Women's
26 Health.

27 ~~SEC. 11.5.~~ Section 136 of the Health and Safety Code is
28 amended to read:

29 ~~136.~~ (a) The Health and Welfare Agency shall establish an
30 interagency task force on women's health composed of
31 representatives of the State Department of Health Care Services,
32 the State Department of Public Health, the State Department of
33 Developmental Services, the State Department of Social
34 Services, the State Department of Alcohol and Drug Programs,
35 and the Major Risk Medical Insurance Program.

36 (b) ~~The State Department of Education, the Department of~~
37 ~~Housing and Community Development, the office of the~~
38 ~~Attorney General, the State Department of Mental Health, and~~
39 ~~the Department of Corrections may participate with the~~

~~interagency task force on women's health when necessary to implement the state strategy developed pursuant to Section 137.~~

~~SEC. 12. Section 138.4 of the Health and Safety Code is amended to read:~~

~~138.4. (a) The State Department of Health Care Services and the State Department of Public Health shall place priority on providing information to consumers, patients, and health care providers regarding women's gynecological cancers, including, signs and symptoms, risk factors, the benefits of early detection through appropriate diagnostic testing, and treatment options.~~

~~(b) The information may include, but is not limited to, the following elements:~~

~~(1) Educational and informational materials in print, audio, video, electronic, or other media;~~

~~(2) Public service announcements and advertisements.~~

~~(c) (1) Each department may produce or contract with others to develop the materials described in this section as the director of each department deems appropriate, or may survey available publications from, among other sources, the National Cancer Institute and the American Cancer Society, and may collect and formulate a distribution plan and disseminate these publications according to the plan. These materials may be made available to the public free of charge and may include distribution through the Medical Board of California, as well as through other sources according to the distribution plan.~~

~~(2) Each department may require, as it deems appropriate, health care providers to make these materials available to patients.~~

~~(d) In exercising the powers under this section, each department shall consult with appropriate health care professionals and providers, consumers, and patients, or organizations representing them.~~

~~(e) Each department may appoint a Women's Gynecological Cancer Information Advisory Council which may include representation from health care professionals and providers, consumers, patients, and other appropriate interests. Members of each council shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.~~

1 ~~(f) The departments' duties pursuant to this section are~~
2 ~~contingent upon the department receiving funds appropriated for~~
3 ~~this purpose.~~

4 ~~(g) Each department may adopt any regulations necessary and~~
5 ~~appropriate for that department's implementation of this section.~~

6 ~~SEC. 13. Section 151 of the Health and Safety Code is~~
7 ~~amended to read:~~

8 ~~151. (a) The Office of Multicultural Health is hereby~~
9 ~~established within the State Department of Health Care Services.~~

10 ~~(b) For purposes of this chapter:~~

11 ~~(1) "Department" means the State Department of Health Care~~
12 ~~Services.~~

13 ~~(2) "Office" means the Office of Multicultural Health.~~

14 ~~SEC. 14.~~

15 ~~SEC. 10.~~ Section 100100 of the Health and Safety Code is
16 ~~amended to read:~~

17 100100. There is in the state government in the Health and
18 Human Services Agency, a State Department of Health Services
19 which, effective July 1, 2007, shall be renamed the State
20 Department of Health Care Services. Commencing July 1, 2007,
21 any reference in this chapter, in Chapter 1.5, or in Article 1 of
22 Chapter 2 of this part to the State Department of Health Services
23 is deemed to, instead, refer to the State Department of Health
24 Care Services with regard to functions not transferred to the State
25 Department of Public Health. Commencing July 1, 2007, all the
26 duties, powers, purposes, responsibilities, and jurisdiction of the
27 State Department of Health Services not vested in the State
28 Department of Public Health pursuant to Section ~~H3050~~ 131050
29 shall thereafter be performed by the State Department of Health
30 Care Services.

31 ~~SEC. 15.~~

32 ~~SEC. 11.~~ Section 100105 of the Health and Safety Code is
33 ~~amended to read:~~

34 100105. The department is under the control of an executive
35 officer known as the Director of Health Services, who shall be
36 appointed by the Governor, subject to confirmation by the
37 Senate, and hold office at the pleasure of the Governor. The
38 director shall receive the annual salary provided by Article 1
39 (commencing with Section 11550) of Chapter 6 of Part 1 of
40 Division 3 of Title 2 of the Government Code. Commencing July

1 1, 2007, the Director of Health Services shall, thereafter, be
2 known as the Director of Health Care Services.

3 Upon recommendation of the director, the Governor may
4 appoint not to exceed two chief deputies of the department who
5 shall hold office at the pleasure of the Governor. The salaries of
6 the chief deputies shall be fixed in accordance with law.

7 ~~SEC. 16. Section 100106 of the Health and Safety Code is~~
8 ~~amended and renumbered to read:~~

9 ~~120155. Pursuant to Section 11158 of the Government Code,~~
10 ~~the sheriff of each county, or city and county, may enforce within~~
11 ~~the county, or the city and county, all orders of the State~~
12 ~~Department of Public Health issued for the purpose of preventing~~
13 ~~the spread of any contagious, infectious, or communicable~~
14 ~~disease. Every peace officer of every political subdivision of the~~
15 ~~county, or city and county, may enforce within the area subject to~~
16 ~~his or her jurisdiction all orders of the State Department of Public~~
17 ~~Health issued for the purpose of preventing the spread of any~~
18 ~~contagious, infectious, or communicable disease. This section is~~
19 ~~not a limitation on the authority of peace officers or public~~
20 ~~officers to enforce orders of the State Department of Public~~
21 ~~Health. When deciding whether to request this assistance in~~
22 ~~enforcement of its orders, the State Department of Public Health~~
23 ~~may consider whether it would be necessary to advise the~~
24 ~~enforcement agency of any measures that should be taken to~~
25 ~~prevent infection of the enforcement officers.~~

26 ~~SEC. 17. Section 100117 of the Health and Safety Code is~~
27 ~~repealed.~~

28 ~~SEC. 18. Section 100119 of the Health and Safety Code is~~
29 ~~amended and renumbered to read:~~

30 ~~113019. There is in the State Department of Public Health an~~
31 ~~Office of AIDS. The State Department of Public Health, Office~~
32 ~~of AIDS, shall be the lead agency within the state, responsible for~~
33 ~~coordinating state programs, services, and activities relating to~~
34 ~~the human immunodeficiency virus (HIV), acquired immune~~
35 ~~deficiency syndrome (AIDS), and AIDS-related conditions~~
36 ~~(ARC). Among its responsibilities, the State Department of~~
37 ~~Public Health, Office of AIDS, shall coordinate Sections 120875,~~
38 ~~Section 120880, Chapter 2 (commencing with Section 120800),~~
39 ~~Chapter 4 (commencing with Section 120900), Chapter 6~~
40 ~~(commencing with Section 120950), Chapter 8 (commencing~~

1 with Section 121025), Chapter 9 (commencing with Section
2 121050), Chapter 10 (commencing with Section 121075),
3 Chapter 11 (commencing with Section 121150), Chapter 12
4 (commencing with Section 121200), Chapter 13 (commencing
5 with Section 121250), and Chapter 14 (commencing with Section
6 121300), of Part 4 of Division 105. Any reference in those
7 provisions to the State Department of Health Services or the
8 State Department of Public Health shall be deemed to be a
9 reference to the Office of AIDS within the State Department of
10 Public Health.

11 ~~SEC. 19.~~ Section 100125 of the Health and Safety Code is
12 ~~repealed.~~

13 ~~SEC. 20.~~ Section 100130 of the Health and Safety Code is
14 ~~repealed.~~

15 ~~SEC. 21.~~

16 *SEC. 12.* Section 100170 of the Health and Safety Code is
17 amended to read:

18 100170. (a) The department may commence and maintain all
19 proper and necessary actions and proceedings for any or all of the
20 following purposes:

21 (1) To enforce its regulations.

22 (2) To compel the performance of any act specifically
23 enjoined upon any person, officer, or board, by any law of this
24 state relating to the public health.

25 (b) It may defend all actions and proceedings involving its
26 powers and duties.

27 (c) In all actions and proceedings it shall sue and be sued
28 under the name of the department.

29 ~~SEC. 22.~~

30 *SEC. 13.* Section 100175 of the Health and Safety Code is
31 amended and renumbered to read:

32 131075. The department may abate public nuisances.

33 ~~SEC. 23.~~

34 *SEC. 14.* Section 100180 of the Health and Safety Code is
35 amended and renumbered to read:

36 131080. The department may advise all local health
37 authorities, and, when in its judgment the public health is
38 menaced, it shall control and regulate their action.

1 ~~SEC. 24.~~

2 *SEC. 15.* Section 100182 of the Health and Safety Code is
3 amended and renumbered to read:

4 131082. Every person charged with the performance of any
5 duty under the laws of this state relating to the preservation of the
6 public health, who willfully neglects or refuses to perform the
7 same, is guilty of a misdemeanor.

8 ~~SEC. 25.~~

9 *SEC. 16.* Section 100185 of the Health and Safety Code is
10 amended and renumbered to read:

11 131085. (a) The department may perform any of the
12 following activities relating to the protection, preservation, and
13 advancement of public health:

14 (1) Studies.

15 (2) Demonstrations of innovative methods.

16 (3) Evaluations of existing projects.

17 (4) Provision of training programs.

18 (5) Dissemination of information.

19 (b) In performing an activity specified in subdivision (a), the
20 department may do any of the following:

21 (1) Perform the activity directly.

22 (2) Enter into contracts, cooperative agreements, or other
23 agreements for the performance of the activity.

24 (3) Apply for and receive grants for the performance of the
25 activity.

26 (4) Award grants for the performance of the activity.

27 ~~SEC. 26.~~

28 *SEC. 17.* Section 100190 of the Health and Safety Code is
29 amended and renumbered to read:

30 131090. The department may provide for consultant and
31 advisory services and for the training of technical and
32 professional personnel in educational institutions and field
33 training centers approved by the department, and for the
34 establishment and maintenance of field training centers in local
35 health departments and in the department.

36 ~~SEC. 27. Section 100195 of the Health and Safety Code is~~
37 ~~amended and renumbered to read:~~

38 ~~131095. The department shall cause special investigation of~~
39 ~~the preparation and sale of drugs and food and their adulteration.~~

1 ~~SEC. 28. Section 100200 of the Health and Safety Code is~~
2 ~~amended and renumbered to read:~~

3 ~~131100. The department shall perform duties as required by~~
4 ~~law for the detection and prevention of the adulteration of articles~~
5 ~~used for food and drink, and for the punishment of persons guilty~~
6 ~~of violation of any law providing against their adulteration.~~

7 ~~SEC. 29. Section 100205 of the Health and Safety Code is~~
8 ~~amended and renumbered to read:~~

9 ~~131105. The department shall examine and may prevent the~~
10 ~~pollution of sources of public domestic water and ice supply.~~

11 ~~SEC. 30. Section 100210 of the Health and Safety Code is~~
12 ~~amended and renumbered to read:~~

13 ~~131110. The department shall maintain a program of~~
14 ~~Drinking Water and Environmental Management.~~

15 ~~SEC. 31. Section 100215 of the Health and Safety Code is~~
16 ~~amended and renumbered to read:~~

17 ~~131115. The department may maintain a mental health~~
18 ~~service that shall advise and assist local departments of health~~
19 ~~and education in the establishment of mental health services,~~
20 ~~particularly in connection with maternal and child health~~
21 ~~conferences and in the schools of the state.~~

22 ~~The department may conduct these activities as may be~~
23 ~~required in the development of mental health services as related~~
24 ~~to public health.~~

25 ~~This section does not authorize any form of compulsory~~
26 ~~medical or physical examination, treatment, or control of any~~
27 ~~person.~~

28 ~~SEC. 32. Section 100225 of the Health and Safety Code is~~
29 ~~amended and renumbered to read:~~

30 ~~131125. The department shall enforce Section 383b of the~~
31 ~~Penal Code.~~

32 ~~SEC. 33. Section 100230 of the Health and Safety Code is~~
33 ~~amended and renumbered to read:~~

34 ~~131130. (a) Any person who willfully sells, keeps for sale, or~~
35 ~~offers for sale any food, drug, device, or cosmetic knowing, after~~
36 ~~a written notice from either (1) a manufacturer, wholesaler,~~
37 ~~distributor, or importer, or (2) the department or a local health~~
38 ~~officer that the product linked to an outbreak of illness, injury, or~~
39 ~~product tampering is being ordered removed from sale by the~~
40 ~~department pursuant to Section 100180, shall, upon conviction,~~

1 be punished by a fine of not less than two thousand dollars
2 (\$2,000) nor more than ten thousand dollars (\$10,000) for each
3 day of violation, or by imprisonment in the county jail for not
4 more than one year, or by both a fine and imprisonment.

5 (b) If a second or subsequent violation is committed after a
6 previous conviction under this section has become final, the
7 person shall be punished by a fine of not less than five thousand
8 dollars (\$5,000) nor more than twenty-five thousand dollars
9 (\$25,000) for each day of violation, or by imprisonment in the
10 state prison, or by both a fine and imprisonment.

11 (c) Notwithstanding any other provision of law, the court may
12 suspend the minimum fines provided for in this section if it
13 determines that there are circumstances in mitigation and the
14 court states on the record its reasons for suspending the minimum
15 fine.

16 SEC. 34. Section 100235 of the Health and Safety Code is
17 amended and renumbered to read:

18 131135. Whenever any person violates any provision of
19 Section 100230, the court may, as a condition of probation, order
20 the defendant to pay, in lieu of any fine, any expenses, both
21 direct and indirect, incurred by a local health department or the
22 department in monitoring compliance with the order pursuant to
23 Section 100180, including, but not limited to, the costs of
24 conducting inspections and imposing embargoes. The total costs
25 payable to the department and local health departments
26 collectively imposed pursuant to this section shall not exceed the
27 maximum fine for the offense of which the defendant is
28 convicted.

29 Any amount collected under this section shall be paid to the
30 local health department incurring the expenses or, if to reimburse
31 costs of the department, into the General Fund.

32 SEC. 35. Section 109277 of the Health and Safety Code is
33 amended to read:

34 109277. (a) Every person or entity who owns or operates a
35 health facility or a clinic, or who is licensed as a physician and
36 surgeon and rents or owns the premises where his or her practice
37 is located, shall cause a sign or notice to be posted where a
38 physician and surgeon performs breast cancer screening or
39 biopsy as an outpatient service, or in a reasonably proximate area
40 to where breast cancer screening or biopsy is performed. A sign

1 or notice posted at the patient registration area of the health
2 facility, clinic, or physician and surgeon's office shall constitute
3 compliance with this section.

4 (b) The sign or notice shall read as follows:

5
6 “BE INFORMED”
7

8 “If you are a patient being treated for any form of breast
9 cancer, or prior to performance of a biopsy for breast cancer,
10 your physician and surgeon is required to provide you a written
11 summary of alternative efficacious methods of treatment,
12 pursuant to Section 109275 of the California Health and Safety
13 Code.”

14 -
15 “The information about methods of treatment was developed
16 by the State Department of Public Health to inform patients of
17 the advantages, disadvantages, risks, and descriptions of
18 procedures.”
19 —

20 (c) The sign shall be not less than eight and one-half inches by
21 11 inches and shall be conspicuously displayed so as to be
22 readable. The words “BE INFORMED” shall not be less than
23 one-half inch in height and shall be centered on a single line with
24 no other text. The message on the sign shall appear in English,
25 Spanish, and Chinese.

26 SEC. 36. Section 109282 of the Health and Safety Code is
27 amended to read:

28 109282. (a) Every person or entity who owns or operates a
29 health facility or a clinic, or who is licensed as a physician and
30 surgeon and rents or owns the premises where his or her practice
31 is located, shall cause a sign or notice to be posted where prostate
32 cancer screening or treatment is performed by any physician and
33 surgeon, or in a reasonably proximate area to where prostate
34 cancer screening or treatment is performed. A sign or notice
35 posted at the patient registration area of the health facility, clinic,
36 or physician and surgeon's office shall constitute compliance
37 with this section.

38 (b) The sign or notice shall read as follows:

1 “BE INFORMED”

2
3 ~~“If you are a patient being treated for any form of prostate~~
4 ~~cancer, or prior to performance of a biopsy for prostate cancer,~~
5 ~~your physician and surgeon is urged to provide you a written~~
6 ~~summary of alternative efficacious methods of treatment,~~
7 ~~pursuant to Section 109280 of the California Health and Safety~~
8 ~~Code.”~~

9 ~~“The information about methods of treatment was developed~~
10 ~~by the State Department of Public Health to inform patients of~~
11 ~~the advantages, disadvantages, risks, and descriptions of~~
12 ~~procedures.”~~

13 ~~(e) The sign shall be not less than eight and one-half inches by~~
14 ~~11 inches and shall be conspicuously displayed so as to be~~
15 ~~readable. The words “BE INFORMED” shall not be less than~~
16 ~~one-half inch in height and shall be centered on a single line with~~
17 ~~no other text. The message on the sign shall appear in English,~~
18 ~~Spanish, and Chinese.~~

19 ~~(d) Subject to future, regular production and replacement~~
20 ~~schedules from the implementation of the act adding this~~
21 ~~subdivision, these signs and notices shall include the Internet~~
22 ~~Web site address of the State Department of Public Health and~~
23 ~~the Medical Board of California, and a notice regarding the~~
24 ~~availability of updated prostate cancer summaries on these Web~~
25 ~~sites.~~

26 ~~SEC. 37.~~

27 ~~SEC. 18.~~ Division 112 (commencing with Section 131000) is
28 added to Part 1 of Chapter 1 of the Health and Safety Code, to
29 read:

30
31 DIVISION 112. PUBLIC HEALTH

32
33 PART 1. GENERAL PROVISIONS

34
35 CHAPTER 1. ORGANIZATION OF THE STATE DEPARTMENT OF
36 PUBLIC HEALTH

37
38 131000. There is in the California Health and Human
39 Services Agency a State Department of Public Health.

131005. (a) There is in state government an executive officer known as the State Public Health Officer, who shall be appointed by the Governor, subject to confirmation by the Senate, and hold office at the pleasure of the Governor. The State Public Health Officer shall receive the annual salary provided by Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The State Public Health Officer shall serve as the Director of, and have control over, the State Department of Public Health.

(c) Any statutory reference to “director,” “the Director of Health Services,” “the Director of Public Health,” or the “Director of the State Department of Public Health,” regarding a function transferred to the State Department of Public Health pursuant to Section ~~113050~~ 131050, is deemed to, instead, refer to the State Public Health Officer.

(d) Any statutory reference to “department” or “state department” regarding a function transferred to the State Department of Public Health pursuant to Section ~~113050~~ 131050, shall refer to the State Department of Public Health.

(e) The director shall be a licensed physician and surgeon pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, who has demonstrated medical, public health, and management experience.

131006. Upon recommendation of the director, the Governor may appoint, not to exceed, two chief deputies of the State Department of ~~Health Care Services~~ *Public Health* who shall hold office at the pleasure of the Governor. The salaries of the chief deputies shall be fixed in accordance with law.

131010. The director shall have the powers of a head of the department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

131020. All officers or employees of the department employed after July 1, 2007, shall be appointed by the director.

~~131050. (a) The State Department of Public Health shall succeed to and be vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the former State Department of Health Services as they relate to public health; and licensing and certification of health facilities, and any other functions~~

1 performed immediately preceding the operative date of this
2 section by, or under the supervision of all of the following:

3 (1) The Deputy Director for Prevention Services of the former
4 State Department of Health Services, excluding (A) the Office of
5 Clinical Preventive Medicine, and (B) the Improving Access,
6 Counseling, and Treatment for Californians with Prostate Cancer
7 Program as authorized by Section 104322.

8 (2) The Deputy Director for Licensing and Certification.

9 (3) The Deputy Director for Health Information and Strategic
10 Planning.

11 (4) The Deputy Director for Public Health Emergency
12 Preparedness.

13 (5) The California Conference of Local Health Officers.

14 (6) The Deputy Director for Primary Care and Family Health
15 as follows: Maternal, Child and Adolescent Health as set forth in
16 Part 2, excluding Articles 5, 5.5, and 6 of Chapter 3 of Part 3 and
17 Part 5, excluding Articles 1 and 2 of Chapter 2 of Part 7 and Part
18 8 of Division 106.

19 (b) The State Department of Public Health succeeds to and is
20 vested with all the duties, powers, purposes, responsibilities, and
21 jurisdiction of the former State Department of Health Services as
22 they relate to public health as provided for or referred to in all of
23 the following provisions of law:

24 (1) Sections 550, 555, 650, 680, 1241, 1658, 2221.1, 2248.5,
25 2249, 2259, 2259.5, 2541.3, 2585, 2728, 3527, 4017, 4027, 4037,
26 4191, 19059.5, 19120, 22973.2, and 22974.8 of the Business and
27 Professions Code.

28 (2) Sections 56.17, 1812.508, and 1812.543 of the Civil Code.

29 (3) Sections 8286, 8803, 17613, 32064, 32065, 32066, 32241,
30 49030, 49405, 49414, 49423.5, 49452.6, 49460, 49464, 49565,
31 49565.8, 49531.1, 56836.165, and 76403 of the Education Code.

32 (4) Sections 405, 6021, 6026, 18963, 30852, 41302, and
33 78486 of the Food and Agricultural Code.

34 (5) Sections 307, 355, 422, 7572, 7574, 8706, 8817, and 8909
35 of the Family Code.

36 (6) Sections 217.6, 1507, 1786, 4011, 5671, 5674, 5700, 5701,
37 5701.5, 7715, and 15700 of the Fish and Game Code.

38 (7) Sections 855, 51010, and 551017.1 of the Government
39 Code. For purposes of subdivision (s) of Section 6254 of the

Government Code, the term “State Department of Health Services” shall refer to the State Department of Public Health.

(8) (A) Sections 475, 1180.6, 1418.1, 1422.1, 1428.2, 1457, 1505, 1507.1, 1507.5, 1570.7, 1599.2, 1599.60, 1599.75, 1599.87, 2002, 2804, 11362.7, 11776, 11839.21, 11839.23, 11839.24, 11839.25, 11839.26, 11839.27, 11839.28, 11839.29, 11839.30, 11839.31, 11839.32, 11839.33, 11839.34, 17920.10, 17961, 18897.2, 24185, 24186, 24187, 24275, 26101, 26122, 26134, 26155, 26200, and 26203.

(B) Chapters 1, 2, 2.05, 2.3, 2.35, 2.4, 3.3, 3.9, 3.93, 3.95, 4, 4.1, 4.5, 5, 6, 6.5, 8, 8.3, 8.5, 8.6, 9, and 11 of Division 2.

(C) Articles 2 and 4 of Chapter 2, Chapter 3, and Chapter 4 of Part 1, Part 2 and Part 3 of Division 101.

(D) Division 102, including Sections 102230 and 102231.

(E) Division 103, including Sections 104145, 104160, 104181, 104182, 104182.5, 104187, 104191, 104324.2, 104324.25, 116610, 105191, 105251, 105255, 105280, 105340, and 105430.

(F) Division 104, including Sections 106615, 106675, 106770, 108115, 108855, 109282, 109910, 109915, 112155, 112500, 112650, 113355, 114460, 114475, 114650, 114710, 114850, 114855, 114985, 115061, 115261, 115340, 115736, 115880, 115885, 115915, 116064, 116183, 116270, 116365.5, 116366, 116375, 116610, 116610, 116751, 116760.20, 116825, 117100, 117924, and 119300.

(G) Division 105, including Sections 120262, 120381, 120395, 120440, 120480, 120956, 120966, 121155, 121285, 121340, 121349.1, 121480, 122410, and 122420.

(H) Part 1, Part 2 excluding Articles 5, 5.5, and 6 of Chapter 3 of Part 3 and Part 5 excluding Articles 1 and 2 of Chapter 2 of Part 7 and Part 8 of Division 106.

(9) Sections 799.03, 10123.35, 10123.5, 10123.55, 10123.10, 10123.184, and 11520 of the Insurance Code.

(10) Sections 50.8, 142.3, 144.5, 144.7, 147.2, 4600.6, 6307.1, 6359, 6712, 9009, and 9022 of the Labor Code.

(11) Sections 4018.1, 5008.1, 7501, 7502, 7510, 7511, 7515, 7518, 7530, 7550, 7553, 7575, 7576, 11010, 11174.34, and 13990 of the Penal Code.

(12) Section 4806 of the Probate Code.

(13) Sections 15027, 25912, 28004, 30950, 41781.1, 42830, 43210, 43308, 44103, and 71081 of the Public Resources Code.

1 ~~(14) Section 10405 of the Public Contract Code.~~

2 ~~(15) Sections 883, 1507, and 7718 of the Public Utilities Code.~~

3 ~~(16) Sections 18833, 18838, 18845.2, 18846.2, 18847.2,~~
4 ~~18863, 30461.6, 43010.1, and 43011.1 of the Revenue and~~
5 ~~Taxation Code.~~

6 ~~(17) Section 11020 of the Unemployment Insurance Code.~~

7 ~~(18) Sections 22511.55, 23158, 27366, and 33000 of the~~
8 ~~Vehicle Code.~~

9 ~~(19) Sections 5326.9, 5328, 5328.15, 14132, 16902, and~~
10 ~~16909, and Division 24 of the Welfare and Institutions Code.~~
11 ~~Payment for services provided under the Family Planning,~~
12 ~~Access, Care, and Treatment (Family PACT) Waiver Program~~
13 ~~pursuant to subdivision (aa) of Section 14132 and Division 24~~
14 ~~shall be made through the State Department of Health Care~~
15 ~~Services. The State Department of Public Health and the State~~
16 ~~Department of Health Care Services may enter into an~~
17 ~~interagency agreement for the administration of such payments.~~

18 ~~(20) Sections 13176, 13177.5, 13178, 13193, 13390, 13392,~~
19 ~~13392.5, 13393.5, 13395.5, 13396.7, 13521, 13522, 13523,~~
20 ~~13528, 13529, 13529.2, 13550, 13552.4, 13552.8, 13553,~~
21 ~~13553.1, 13554, 13554.2, 13816, 13819, 13820, 13823, 13824,~~
22 ~~13825, 13827, 13830, 13834, 13835, 13836, 13837, 13858,~~
23 ~~13861, 13862, 13864, 13868, 13868.1, 13868.3, 13868.5, 13882,~~
24 ~~13885, 13886, 13887, 13891, 13892, 13895.1, 13895.6, 13895.9,~~
25 ~~13896, 13896.3, 13896.4, 13896.5, 13897, 13897.4, 13897.5,~~
26 ~~13897.6, 13898, 14011, 14012, 14015, 14016, 14017, 14019,~~
27 ~~14022, 14025, 14026, 14027, and 14029 of the Water Code.~~

28 131055. (a) All regulations and orders adopted by the former
29 State Department of Health Services and any of its predecessors
30 in effect immediately preceding the operative date of this section
31 shall remain in effect and shall be fully enforceable unless and
32 until readopted, amended, or repealed, or until they expire by
33 their own terms. Any action by or against the former State
34 Department of Health Services or any of its predecessors
35 pertaining to matters vested in the State Department of Public
36 Health by Section ~~113050~~ 131050 shall not abate but shall
37 continue in the name of the State Department of Public Health,
38 and the State Department of Public Health shall be substituted for
39 the former State Department of Health Services and any of its
40 predecessors by the court wherein the action is pending. The

1 substitution shall not in any way affect the rights of the parties to
2 the action.

3 (b) On and after the operative date of this section, the
4 unexpended balance of all funds available for use by the former
5 State Department of Health Services or any of its predecessors in
6 carrying out any functions transferred to the State Department of
7 Public Health shall be available for use by the State Department
8 of Public Health.

9 (c) All books, documents, records, and property of the former
10 State Department of Health Services pertaining to functions
11 transferred to the Department of Public Health shall be
12 transferred to the State Department of Public Health.

13 (d) On and after the operative date of this section, positions
14 other than that of the State Public Health Officer and the chief
15 deputy filled by appointment by the Governor in the former State
16 Department of Health Services whose principal assignment was
17 to perform functions transferred to the State Department of
18 Public Health shall be transferred to the State Department of
19 Public Health. Individuals in positions transferred pursuant to
20 this section shall serve at the pleasure of the Governor. Salaries
21 of positions transferred shall remain at the level established
22 pursuant to law unless otherwise provided.

23 (e) Every officer and employee of the former State
24 Department of Health Services who is performing a function
25 transferred to the State Department of Public Health and who is
26 serving in the state civil service, other than as a temporary
27 employee, shall be transferred to the State Department of Public
28 Health pursuant to the provisions of Section 19050.9 of the
29 Government Code. The status, position, and rights of any officer
30 or employee of the former State Department of Health Services
31 shall not be affected by the transfer and shall be retained by the
32 person as an officer or employee of the State Department of
33 Public Health, as the case may be, pursuant to the State Civil
34 Service Act (Part 2 (commencing with Section 18500) of
35 Division 5 of Title 2 of the Government Code), except as to a
36 position that is exempt from civil service.

CHAPTER 2. PUBLIC HEALTH ADVISORY COMMITTEE

131060. (a) *The State Public Health Officer shall convene a Public Health Advisory Committee to provide expert advice and make recommendations on the development of policies and programs that seek to prevent illness and promote the public's health.*

(b) *The Advisory Committee shall include representatives from a broad cross section of public health stakeholders which may include academia, biotechnology, business, community based organizations, emergency services, local government, health departments, medicine, nursing, public health laboratories, social marketing, consumers, and other sectors of the public health community.*

(c) *The task force shall consist of ____ members. Sixty percent of committee members shall be appointed by the State Public Health Officer, 20 percent by the Speaker of the Assembly, and 20 percent by Senate Committee on Rules.*

(d) *Committee members shall serve on a voluntary basis and shall not receive any compensation.*

(e) *The Advisory Committee shall identify strategies to improve public health program effectiveness, identify emerging public health issues, and make recommendations as necessary, on programs and policies to improve the health and safety of Californians.*

(f) *The Advisory Committee shall convene twice per year, and may convene more often, if necessary, to provide expert advice to the department. Meetings of the Advisory Committee shall be open to the public and shall comply with applicable open meeting laws.*

CHAPTER 2. 3. GENERAL POWERS OF THE DEPARTMENT

Article 1. General Provisions

131070. The department may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

(a) To enforce its regulations.

(b) To enjoin and abate nuisances dangerous to health.

1 (c) To compel the performance of any act specifically enjoined
2 upon any person, officer, or board, by any law of this state
3 relating to the public health.

4 (d) To protect and preserve the public health.

5 It may defend all actions and proceedings involving its powers
6 and duties. In all actions and proceedings it shall sue and be sued
7 under the name of the department.

8 131120. With the approval of the Department of Finance, and
9 for use in the furtherance of the work of the department, the
10 director may accept (a) grants of interest in real property, and (b)
11 gifts of money from public agencies or from organizations or
12 associations organized for scientific, educational, or charitable
13 purposes.

14
15 Article 2. Regulatory Authorization and Review
16

17 131200. The department may adopt and enforce regulations
18 for the execution of its duties.

19 131205. Notwithstanding any other provision of law, the
20 department shall submit all of its regulations on matters related to
21 statutory responsibilities delegated to or enforced by local health
22 departments, except emergency regulations, to the California
23 Conference of Local Health Officers for review and comment
24 prior to adoption. If the department deems it appropriate to
25 implement the proposed regulations or parts thereof, contrary to
26 the recommendations of the conference, the department shall
27 make a public finding summarizing the reasons for acting
28 contrary to these recommendations.

29 131210. The department, after consultation with and approval
30 by the Conference of Local Health Officers, shall by regulation
31 establish standards of education and experience for professional
32 and technical personnel employed in local health departments
33 and for the organization and operation of the local health
34 departments. These standards may include standards for the
35 maintenance of records of services, finances, and expenditures,
36 that shall be reported to the director in a manner and at times as
37 the director may specify.

38 131215. (a) When a dispute arises as to the interpretation or
39 enforcement of regulations of the department that are being
40 enforced by a city, county, city and county, or district, a request

1 for clarification or interpretation may be submitted to the
2 department. The department shall make a determination of the
3 proper interpretation and required enforcement when so
4 requested by a party to the dispute.

5 (b) In making its determination, the department may conduct a
6 hearing where all interested parties may present relative
7 comments or arguments.

8 (c) Determinations of the department made pursuant to this
9 section shall be transmitted to the concerned local agency and the
10 involved party or parties within 60 days after the receipt of the
11 request. The determination of the department shall be binding
12 upon the local agency and the parties subject to the regulations of
13 the department, except when the matter may be subject to judicial
14 review.

15 131220. Notwithstanding any other provision of law, but to
16 the extent consistent with applicable federal law or regulation,
17 the director may, after a request by a board of supervisors of an
18 affected county and after a public hearing held in accordance
19 with Section 11346 of the Government Code, waive regulations
20 pertaining to the provision of hospital services in a hospital
21 operated by a county or under contract to a county for a county
22 with a population of 200,000 or less on January 1, 1980, if the
23 director makes a finding that the waiver would not affect
24 adversely the health and safety of persons in the county. The
25 authority contained in this section shall be in addition to, and
26 shall not supersede or limit, any other provision of law
27 authorizing the waiver by the department of requirements
28 contained in regulations adopted by the department relating to
29 health facilities.

30 131225. (a) Notwithstanding any other provision of law, the
31 department by regulation may provide for the issuance and
32 renewal on a two-year basis of licenses, certificates of
33 registration, or other indicia of authority issued pursuant to this
34 code by the department.

35 (b) The department may by regulation set the fee for the
36 two-year license, certificate of registration, or other indicia, not
37 to exceed twice the annual fee for issuance or renewal set by
38 statute.

CHAPTER 3. 4. WOMEN'S HEALTH

131250. The Office of Women's Health is hereby established within the State Department of Public Health. For purposes of this chapter, "office" means the Office of Women's Health.

131260. The office, shall cooperate with the interagency task force on women's health, to develop a coordinated state strategy for addressing the health related needs of women.

131265. The office may do any of the following:

(a) Perform strategic planning within the state department to develop departmentwide plans for implementation of goals and objectives for women's health.

(b) Conduct departmental policy analysis on specific issues related to women's health.

(c) Coordinate pilot projects and planning projects funded by the state that are related to women's health.

(d) Identify unnecessary duplication of services and future service needs.

(e) Communicate and disseminate information and perform a liaison function within the state department and to providers of health, social, educational, and support services to women.

(f) Perform internal state department staff training, and training of health care professionals to ensure more linguistically and culturally appropriate care.

(g) Serve as a clearinghouse for information regarding women's health data, strategies, and programs that address women's health issues, including pregnancy, breast and cervical cancers, AIDS, osteoporosis, and menopause, as well as issues that impact women's health, including substance abuse, domestic violence, housing, teenage pregnancy, and sexual assault.

(h) Encourage innovative responses by public and private entities that are attempting to address women's health issues.

(i) Provide technical assistance to counties, other public entities, and private entities seeking to obtain funds for initiatives in women's health, including identification of sources of funding and assistance with writing of grants.

131270. (a) The State Department of Public Health shall place priority on providing information to consumers, patients, and health care providers regarding women's gynecological cancers, including, signs and symptoms, risk factors, the benefits

1 of early detection through appropriate diagnostic testing, and
2 treatment options.

3 (b) The information may include, but is not limited to, the
4 following elements:

5 (1) Educational and informational materials in print, audio,
6 video, electronic, or other media.

7 (2) Public service announcements and advertisements.

8 (c) (1) The department may produce or contract with others to
9 develop the materials described in this section as the director
10 deems appropriate, or may survey available publications from,
11 among other sources, the National Cancer Institute and the
12 American Cancer Society, and may collect and formulate a
13 distribution plan and disseminate these publications according to
14 the plan. These materials may be made available to the public
15 free of charge and may include distribution through the Medical
16 Board of California, as well as through other sources according
17 to the distribution plan.

18 (2) The department may require, as it deems appropriate,
19 health care providers to make these materials available to
20 patients.

21 (d) In exercising the powers under this section, the office shall
22 consult with appropriate health care professionals and providers,
23 consumers, and patients, or organizations representing them.

24 (e) The department may appoint a Women's Gynecological
25 Cancer Information Advisory Council which may include
26 representation from health care professionals and providers,
27 consumers, patients, and other appropriate interests. Members of
28 the council shall receive no compensation for their services, but
29 shall be allowed their actual and necessary expenses incurred in
30 the performance of their duties.

31 (f) The department's duties pursuant to this section are
32 contingent upon the department receiving funds appropriated for
33 this purpose.

34 (g) The department may adopt any regulations necessary and
35 appropriate for the implementation of this section.

36 131275. (a) The department shall include in any literature
37 that it produces regarding breast cancer information that shall
38 include, but not be limited to, all of the following:

1 ~~(1) Summarized information on risk factors for breast cancer~~
2 ~~in younger women, including, but not limited to, information on~~
3 ~~the increased risk associated with a family history of the disease.~~

4 ~~(2) Summarized information regarding detection alternatives~~
5 ~~to mammography that may be available and more effective for~~
6 ~~at-risk women between the ages of 25 and 40 years.~~

7 ~~(3) Information on Internet Web sites of relevant~~
8 ~~organizations, government agencies, and research institutions~~
9 ~~where information on mammography alternatives may be~~
10 ~~obtained.~~

11 ~~(b) The information required by subdivision (a) shall be~~
12 ~~produced consistent with the department's protocols and~~
13 ~~procedures regarding the production and dissemination of~~
14 ~~information on breast cancer, including, but not limited to, the~~
15 ~~following factors:~~

16 ~~(1) Restrictions imposed by space limitation on materials~~
17 ~~currently produced and distributed by the department.~~

18 ~~(2) Future regular production and replacement schedules.~~

19 ~~(3) Translation standards governing the number of languages~~
20 ~~and literacy levels.~~

21 ~~(4) The nature, content, and purpose of the material into which~~
22 ~~this new information will be incorporated.~~

23 ~~(e) It is the intent of the Legislature that subdivisions (a) and~~
24 ~~(b) apply to information that is distributed by any branch of the~~
25 ~~department, including, but not limited to, the Cancer Detection~~
26 ~~Section and the Office of Women's Health, which are charged~~
27 ~~with providing information about cancer.~~

28
29 ~~CHAPTER 4. MULTICULTURAL HEALTH~~
30

31 ~~131280. The Legislature finds and declares all of the~~
32 ~~following:~~

33 ~~(a) The health status of California's racial and ethnic~~
34 ~~communities is poor relative to the health status of the white~~
35 ~~population.~~

36 ~~(b) Of the estimated 24 percent of Californians without health~~
37 ~~insurance, approximately 81 percent are from racial and ethnic~~
38 ~~communities.~~

~~(c) Of the uninsured in California, an estimated 38 percent are Latino, 24 percent are Asian and Pacific Islander, and 19 percent are African-American.~~

~~(d) Racial and ethnic communities suffer from various infections and communicable diseases at higher rates than the white population, and experience increased mortality from more preventable disease relative to the white population. For example, the President's Racial and Ethnic Health Disparities Initiative recognized that infant mortality rates are 2.5 times higher for African-Americans and 1.5 times higher for native Americans than for the white population. African men under 65 years of age suffer from prostate cancer at nearly five times the rate of white men and Vietnamese women suffer from cervical cancer at nearly five times the rate of white women. Latinos suffer from stomach cancer at two to three times the rate of the white population, and African-American men suffer from heart disease at nearly twice the rate of white men. Native Americans suffer from diabetes at nearly three times the average rate of the white population, while African-Americans suffer 70 percent higher rates of diabetes than the white population.~~

~~(e) Efforts to reduce and eliminate racial and ethnic disparities in health status have received scant attention, both in terms of funding for prevention and treatment services, as well as research.~~

~~(f) Program planning and implementation efforts to reduce these health disparities have been neither inclusive of racial and ethnic communities nor responsive to the needs of these communities.~~

~~131285. (a) The Office of Multicultural Health is hereby established within the State Department of Public Health.~~

~~(b) For purposes of this chapter:~~

~~(1) "Department" means the State Department of Health Services.~~

~~(2) "Office" means the Office of Multicultural Health.~~

~~131290. (a) The office shall do all of the following:~~

~~(1) Perform strategic planning within the department to develop departmentwide plans for implementation of goals and objectives to close the gaps in health status and access to care among the state's diverse racial and ethnic communities.~~

1 ~~(2) Conduct departmental policy analysis on specific issues~~
2 ~~related to multicultural health.~~

3 ~~(3) Coordinate pilot projects and planning projects funded by~~
4 ~~the state that are related to improving the effectiveness of~~
5 ~~services to ethnic and racial communities.~~

6 ~~(4) Identify the unnecessary duplication of services and future~~
7 ~~service needs.~~

8 ~~(5) Communicate and disseminate information and perform a~~
9 ~~liaison function within the department and to providers of health,~~
10 ~~social, educational, and support services to racial and ethnic~~
11 ~~communities. The office shall consult regularly with~~
12 ~~representatives from diverse racial and ethnic communities,~~
13 ~~including health providers, advocates, and consumers.~~

14 ~~(6) Perform internal staff training, an internal assessment of~~
15 ~~cultural competency, and training of health care professionals to~~
16 ~~ensure more linguistically and culturally competent care.~~

17 ~~(7) Serve as a resource for ensuring that programs keep data~~
18 ~~and information regarding ethnic and racial health statistics,~~
19 ~~strategies and programs that address multicultural health issues,~~
20 ~~including, but not limited to, infant mortality, cancer,~~
21 ~~cardiovascular disease, diabetes, human immunodeficiency virus~~
22 ~~(HIV), acquired immune deficiency syndrome (AIDS), child and~~
23 ~~adult immunization, asthma, unintentional and intentional injury,~~
24 ~~and obesity, as well as issues that impact the health of racial and~~
25 ~~ethnic communities, including substance abuse, mental health,~~
26 ~~housing, teenage pregnancy, environmental disparities,~~
27 ~~immigrant and migrant health, and health insurance and delivery~~
28 ~~systems.~~

29 ~~(8) Encourage innovative responses by public and private~~
30 ~~entities that are attempting to address multicultural health issues.~~

31 ~~(9) Provide technical assistance to counties, other public~~
32 ~~entities, and private entities seeking to obtain funds for initiatives~~
33 ~~in multicultural health, including identification of funding~~
34 ~~sources and assistance with writing grants.~~

35 ~~(b) Notwithstanding Section 7550.5 of the Government Code,~~
36 ~~the office shall biennially prepare and submit a report to the~~
37 ~~Legislature on the status of the activities required by this chapter.~~

38 ~~SEC. 38.~~

39 *SEC. 19.* (a) No contract, lease, license, bond, or any other
40 agreement to which the former State Department of Health

1 Services or any of its predecessors are a party shall be void or
2 voidable by reason of this act, but shall continue in full force and
3 effect, with the renamed State Department of Health Care
4 Services and the newly formed State Department of Public
5 Health assuming all of the rights, obligations, liabilities, and
6 duties of the former State Department of Health Services and any
7 of its predecessors as relates to the duties, powers, purposes,
8 responsibilities, and jurisdiction vested by this act in each of the
9 resulting departments. The assumption by each department shall
10 not in any way affect the rights of the parties to the contract,
11 lease, license, or agreement. Bonds issued by the former State
12 Department of Health Services or any of its predecessors on or
13 before the operative date of this section related to the duties,
14 powers, purposes, responsibilities, and jurisdiction vested by this
15 act in the renamed State Department of Health Care Services or
16 in the newly formed State Department of Public Health, shall
17 become the indebtedness of the State Department of Health Care
18 Services or of the State Department of Public Health, as they
19 relate to responsibilities assigned to each resulting department.
20 Any ongoing obligations or responsibilities of the former State
21 Department of Health Services for managing and maintaining
22 these bond issuances shall be transferred to the newly formed
23 State Department of Public Health or retained by the renamed
24 State Department of Health Care Services, as appropriate,
25 without impairment to any security contained in the bond
26 instrument.

27 (b) The newly formed State Department of Public Health and
28 the renamed State Department of Health Care Services succeed
29 to, and are vested with, all the duties, powers, purposes,
30 responsibilities, and jurisdiction of the former State Department
31 of Health Services with respect to all duties, powers, purposes,
32 responsibilities, and jurisdiction retained by, or transferred to,
33 each department.

34 (c) All officers and employees of the former State Department
35 of Health Services who are serving in the state civil service, other
36 than as temporary employees assigned to transferred programs,
37 shall be transferred to the State Department of Public Health. All
38 those not transferred to the newly formed State Department of
39 Public Health shall be retained in the renamed State Department
40 of Health Care Services. The status, positions, and rights of those

1 persons shall not be affected by the transfer or renaming and
2 shall be retained by those persons as officers and employees of
3 each resulting department, pursuant to the State Civil Service Act
4 (Part 2 (commencing with Section 18500) of Division 5 of Title
5 2 of the Government Code), except as to positions exempt from
6 the civil service.

7 (d) Each department shall have possession and control of all
8 records, papers, offices, equipment, supplies, moneys, funds,
9 appropriations, licenses, permits, agreements, contracts, claims,
10 judgments, land, and other property, real or personal, connected
11 with the administration of, or held for, the benefit or use of the
12 former State Department of Health Services, with respect to the
13 functions transferred to, or retained by, each department pursuant
14 to this act.

15 (e) Any regulation or other action, adopted, prescribed, taken,
16 or performed by an agency or officer in the administration of a
17 program or the performance of a duty, responsibility, or
18 authorization transferred by the act adding this section shall
19 remain in effect and shall be deemed to be a regulation or action
20 of the agency or officer to whom the program, duty,
21 responsibility, or authorization is assigned pursuant to this act.

22 (f) No suit, action, or other proceeding lawfully commenced
23 by or against any agency or other officer of the state, in relation
24 to the administration of any program or the discharge of any
25 duty, responsibility, or authorization transferred or reassigned by
26 the act adding this section, shall abate by reason of the transfer or
27 assigning of the program, duty, responsibility, or authorization
28 under the act adding this section.

29 ~~SEC. 39.~~

30 *SEC. 20.* (a) The reorganization of the former State
31 Department of Health Services pursuant to Sections 1 to ~~38~~ 19,
32 inclusive, shall be budget neutral. It is the intent of the
33 Legislature not to provide, in total, funding for the State
34 Department of Public Health and the State Department of Health
35 Care Services in excess of the total funding previously
36 appropriated to the former State Department of Health Services,
37 with possible caseload and inflation adjustments.

38 (b) The reorganization shall be implemented without the
39 additional appropriation of funds. However, the Legislature finds
40 and declares that to implement this act, funding adjustments may

1 be required to align appropriation authority and to provide for
2 anticipated expenditures to the appropriate funding sources.

3 (c) The annual budget for the State Department of Public
4 Health and State Department of Health Care Services shall be
5 proposed and considered in the process for review of the annual
6 Budget Act.

7 ~~SEC. 40.~~

8 *SEC. 21.* Sections 1 to ~~38~~ 19, inclusive, of this act shall
9 become operative on July 1, 2007.